IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1165 OF 2005

Razak Usman Patel ...Appellant

vs.

Vitthal Bhau Aher and ors. ...Respondents

Mr.Madhav Jamdar for the Appellant
Mr.U.B.Nighot for Respondent Nos.1 and 2

CORAM: A.S.OKA,J.
DATE : FEBRUARY 20,2007.

P.C.:

1. Heard Advocate for the Appellant and the Advocate for the Respondent Nos.1 and 2. The Appellant has agreed to pay a total compensation of Rs.2,00,000/- (Rupees two lacs) to the Respondent Nos.1 and 2 in full and final settlement of the claim of the Respondent nos.1 and 2 in the claim Application No.1237 of 1995. The Advocates for the parties state that this sum of Rs.2,00,000/- will be in addition to the sum of Rs.25,000/- which is deposited by the Appellant in this Court. The Advocate for the Appellant states that the Appellant has no objection if the said amount of Rs.25,000/- is immediately withdrawn by the Respondent Nos.1 and 2.

2. The only dispute between the parties is the time frame within which the sum of Rs.2,00,000/- shall be paid. The learned Advocate for the Appellant submitted that the time of one and half year may be granted. The learned Advocate for the Respondent Nos.1 and 2 submitted that maximum period of

six months may be granted.

3. Considering the fact that the Appellant has offered to pay a reasonable amount and considering the financial status of the Appellant, time of one year deserves to be granted to the Appellant to pay a sum of Rs.2,00,000/-. The Appellant will pay an amount of Rs.2,00,000/- by quarterly instalments of Rs.50,000/- each. The entire amount to be paid on or before 19th February 2008.

4. It is made clear that if the Appellant fails to pay the total amount of Rs.2,00,000/- on or before 19th February 2008, the Appellant will be liable to pay interest at the rate of 9% p.a. from today till the date of payment of the entire amount.

5. The Respondent Nos.1 and 2 are permitted to withdraw a sum of Rs.25,000/- deposited by the Appellant in this Court.

6. The Appeal is disposed of in above terms with no order as to costs. However, for ensuring that the Appellant complies with this order, office is directed to place the Appeal for directions on 21st February 2008.

JUDGE